

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
Civil Action No. 5:23-cv-00469-FL

AFFORDABLE CARE, LLC,

Plaintiff,

v.

STEPHEN BENCH, DDS and
AFFORDABLE DENTURES & IMPLANTS
– BURLINGTON, VT, P.C.,

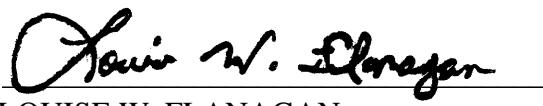
Defendants.

ORDER

Before the Court is the Motion to Confirm Award of Attorney's Fees [DE 18] filed by Plaintiff Affordable Care, LLC ("Plaintiff"). Plaintiff requests the Court confirm the award of attorney's fees that was entered against Defendants Stephen Bench, DDS and Affordable Dentures & Implants – Burlington, VT, P.C. (collectively "Defendants"), a copy of which Plaintiff included in its motion [DE 18-1]. The decision issued by Arbitrator Denise Smith Cline awarded Plaintiff \$120,676.78 in Attorney's Fees. This Court has jurisdiction over this matter and Plaintiff's motion under 9 U.S.C. § 9.

On February 5, 2024, the Court entered an Amended Order and Judgment in favor of Affordable Care granting Affordable Care's motion to confirm, confirming the arbitration award, and ordering Defendants to pay Affordable Care \$925,792.54 in compensatory damages and \$200,000 in punitive damages for a total of \$1,125,792.54. [DE 16 and 17]. The Court's Amended Order expressly stated "The Arbitrator is still considering an attorney fee award and this Court retains jurisdiction to review, vacate and confirm any further orders issued" by Arbitrator Denise Smith Cline between the Parties. [DE 16].

The court has considered Plaintiff's motion, along with its supporting memorandum in full. For good cause shown, the Court hereby **GRANTS** the Motion and the arbitration award is **CONFIRMED**. Defendants are **ORDERED** to pay Plaintiff a total of One-Million, Two-Hundred Forty-Six Thousand, Four-Hundred Sixty-Nine Dollars and Thirty-Two Cents (\$1,246,469.32). This damage award is comprised of \$925,792.54 in compensatory damages, \$200,000 in punitive damages, and \$120,676.78 in Attorney's Fees. The clerk is directed to enter Amended Final Judgment in this case in favor of Plaintiff consistent with the terms of this Order.



LOUISE W. FLANAGAN
LOUISE W. FLANAGAN
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing “Plaintiff’s Motion to Confirmation Arbitration Award” was served upon the following via United States Mail, postage prepaid and addressed as follows:

Dr. Stephen Bench, DDS
426 Place Road West
Hinesburg, VT 05461

Affordable Dentures & Implants – Burlington, VT, P.C.
1162 Williston Road
South Burlington, VT 05403

This the 21st day of February, 2024.

GORDON REES SCULLY MANSUKHANI, LLP

/s/ Benjamin L. Williams
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